

BEFORE THE ARIZONA BOARD OF  
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

IN THE MATTER OF:	)	
	)	
BASEM MERI, D.O.	)	<b>STIPULATION AND CONSENT</b>
Holder of License No. 3370 for the	)	<b>ORDER FOR PROBATION</b>
practice of osteopathic medicine in the	)	
State of Arizona.	)	
_____	)	

**STIPULATION**

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Basem Meri, D.O. (hereinafter "Respondent"), the parties hereto agree to the following disposition to this matter.

1. Respondent acknowledges that he has read this Stipulation and the attached Consent Order; and, Respondent is aware of and understands the content of these documents.
2. Respondent understands that by entering into this Stipulation, he voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the Consent Order in state or federal court.
3. Respondent understands that this Stipulation and Consent Order will not become effective unless approved by the Board and signed by its Executive Director.
4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public record which will be disseminated as a formal action of the Board.
5. Respondent admits to the statement of facts and conclusions of law contained in the Stipulated Consent Order.

6. All admissions made by Respondent are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board. Respondent and the State of Arizona; and, therefore, said admissions by Respondent are not intended for any other purpose or administrative regulatory proceeding or litigation in another state or federal court.

7. Respondent acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, he may not later revoke or amend this Stipulation or any part of the Consent Order, without first obtaining Board approval.

**REVIEWED AND ACCEPTED** this \_\_\_\_ day of December, 2000.

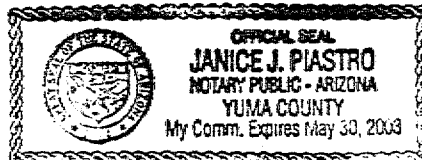
Basem Meri  
BASEM MERI, D.O.

STATE OF ARIZONA       )  
                                      ) ss  
County of Maricopa     )

This instrument was acknowledged before me this 14th day of ~~August~~ December, 2000 by the above-named individual.

Janice J. Piastro  
Notary Public JANICE J. PIASTRO

My Commission expires:



May 30, 2003

**REVIEWED AND APPROVED** as to form by counsel for Respondent on this \_\_\_\_ day of August, 2000.

REVIEWED AND SIGNED this 21 day of <sup>December</sup>~~August~~, 2000 for the Board by:

Ann Marie Berger

Ann Marie Berger, Executive Director  
Arizona Board of Osteopathic Examiners in Medicine  
and Surgery

IN THE MATTER OF:

Holder of License No. 3370 for the  
practice of osteopathic medicine in the  
State of Arizona.

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regarding Respondent's current participation in the Michigan's Health Professional Recovery program. The Board has arrived at its finding of fact based upon all the information provided to the Board and made a part of the administrative record.

4. On August 22, 1998, during its public meeting, with Respondent present, the Board authorized preparation of a stipulated consent order granting Respondent a license to practice as an osteopathic physician in the State of Arizona; but, said license shall be placed on probation and subject to specific restrictions that are set forth more specifically hereafter.

5. On February 15, 2000 Respondent tested positive for Propoxyphene-N. Respondent informed the Board's Staff that he had been treated at Yuma Regional Hospital and that he forgot to put the medication on his required medication log.

6. On or about February 23, 2000, Respondent attended the Impaired Physician Meeting and informed the Board Staff that he had changed treating physicians and was now being treated by Guerrero Zonis, M.D. Respondent informed the Board Staff that Dr. Zonis was prescribing him Celebrex, Elavil and Lortab. Upon questioning, Respondent informed Board Staff that he had provided a copy of his Board Order to Dr. Zonis.

7. On or about April 5, 2000, Respondent, upon questioning by Board Staff, asked whether or not he had informed Dr. Zonis of his Probationary Order. Respondent stated that he had informed Dr. Zonis that he was under probation for substance abuse.

8. On or about May 17, 2000, Respondent appeared at the Impaired Physician Meeting and once again informed Board Staff that he had informed Dr. Zonis of his probationary order..

9. On or about May 30, 2000, Respondent failed to appear for a required urine drug screen.

10. On or about June 5, 2000, Board Staff telephoned Dr. Zonis to confirm that he was aware of Respondent's probationary status and substance abuse problems. Dr. Zonis stated that Respondent had not informed him of that and, had he known, he would have treated Respondent differently.

11. In public session on June 10, 2000, Respondent admitted that he had not informed his treating physician of his probationary status. Respondent also admitted to taking samples of Ultram from his office for personal use.

12. In public session, the Board voted on June 10, 2000 that Respondent was medically and/or psychologically unable to engage in the practice of medicine and was an immediate threat to the health, safety and welfare of the public.

13. Respondent requested that he enter into a Stipulated Consent Order for assessment and in-patient treatment and having completed such treatment be placed under terms of Probation for a five-year period to include rehabilitation, practice restriction and monitoring. In public session, the Board voted on August 19, 2000 that Respondent was medically and/or psychologically unable to engage in the practice of medicine and authorized the Board's Executive Director to sign and issue a Stipulated Consent Order regarding suspension of Respondent's medical license.

14. On or about August 2, 2000, Respondent entered into treatment at Springbrook Northwest Rehabilitation Center ("Springbrook") in Newberg, Oregon. Respondent completed treatment and was discharged on October 27, 2000.

15. On or about December 9, 2000 Respondent appeared before the Board to request reinstatement of his medical license under probationary terms and conditions including monitoring. The Board voted to agree to the terms and conditions of this Stipulated Consent Order at a public

meeting on December 9, 2000.

### CONCLUSIONS OF LAW

1. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Arizona Board of Osteopathic Examiners in Medicine and Surgery possesses jurisdiction over the subject matter hereof and over the application for license submitted by Basem Meri, D.O.

2. The Board has the authority to enter a final order and to enter into an agreement for the stipulated disposition of this matter pursuant to A.R.S. § 32-1822(D).

3. Based upon the Findings of Fact set forth above herein, the Board concludes that it has the requisite factual basis and legal authority to order probation of Respondent's license.

### ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

1. Respondent's Board License Number 3370 for the practice of osteopathic medicine and surgery in the State of Arizona is hereby placed under probation for five (5) years and shall comply with the terms and conditions of probation as set forth herein:

2. From the date of this Order, Respondent shall obtain psychiatric or psychological treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is selected by Respondent and approved by the Board. Respondent shall comply with the therapist recommendation for the frequency of therapy treatment sessions. Respondent shall inform the Board by letter (mailed within ten days of the date of this Order) of the therapist's name; and; Respondent shall undertake and fully cooperate with a program of treatment established by the therapist. In the event Respondent changes therapists, he shall give the Board written notice within ten (10) days of said action. Respondent shall not discontinue or reduce the frequency of psychotherapy sessions

until she has submitted a written request to the Board and obtained Board approval.

3. Respondent's therapist(s) shall receive a copy of this Order and Board Staff shall cooperate with and disclose all relevant information in the Board's files concerning Respondent. The treating therapist shall be directed by Respondent to send to the Board a detailed written progress report every month for the remainder of the probation; and Respondent, shall waive any confidentiality concerning her psychotherapy in order that the Board may receive full disclosure of information. The expense of the aforementioned therapy and the reports to the Board by Respondent's therapist shall be the sole responsibility of the Respondent.

4. Respondent shall provide a copy of this Order and any subsequent Orders to all facilities where Respondent is currently (or subsequently) employed as a physician and/or has (or subsequently receives) privileges to engage in the practice of medicine; and, Respondent shall continue to make the aforementioned disclosure and provide copies of this Consent Order until the expiration of this Order. Respondent shall also give a copy of this Order to all treating physicians.

5. Respondent may have his license to practice as an osteopathic physician restricted, suspended or revoked by the Board in the future if:

- (A) The Board finds that Respondent does not have the requisite mental, physical and emotional fitness to safely continue the practice of medicine; or,
- (B) There are new grounds for finding unprofessional conduct concerning Respondent; or,
- (C) Fails to comply fully with the terms and conditions of this Order.

6. Respondent shall abstain completely from the consumption of alcoholic beverages; and, Respondent shall not consume illicit drugs or take any medication, unless such medication is prescribed for him by his primary treating physician. Medications prescribed for an emergency



situation shall be reported to his primary treating physician by the following workday. Respondent shall maintain a monthly log (for the duration of the probation) and provide a copy of the log to the Board at the first of each month listing all medications taken by him and such log shall include the following information:

- (a) the name of the medication;
- (b) name of prescribing physician;
- (c) reason for the medication.

At the first of each month, Respondent shall report by letter to the Board whether or not he is taking any prescription only medication and, if so, a copy of his log reflecting the above information.

7. Respondent shall also, as part of his probation: (A) submit to and cooperate in any independent medical or psychological evaluation that is ordered by the Board for Respondent and conducted by the Board's designated physician and/or psychologist which shall be paid for by Respondent; and (B) appear before the Board, upon receipt of a request by written or telephonic notification from the Board's executive director which shall be given at least five (5) days prior to the Board meeting; and, (C) submit to random biological fluid testing and promptly provide (i.e., within sixty (60) minutes of notification) required biological fluids for testing and said testing shall be done at the Respondent's expense.

8. Respondent shall participate in a minimum of three (3) self-help meetings per week through such organizations as A.A., N.A., C.A. and doctor's Caduceus group. Respondent shall keep a log of all meetings attended and have the log signed by the chairperson of the meeting. Respondent will provide the Board with a copy of the signed log the first of every month.

9. In the event Respondent moves and ceases to practice medicine in Arizona, he shall give written notice to the Board of her new residence address within twenty (20) days of moving; and, the terms and duration of probation may be stayed by the Board until Respondent returns to practice medicine in Arizona.

10. Respondent shall reimburse the Board for all expenses associated with the investigation, hearing and continued monitoring of this matter.

11. Respondent shall continue to meet all licensing requirements such as continuing medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-1825.

12. Respondent's failure to comply with the requirements of this Order shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in the event that Respondent fails to comply with any of the requirements of this Order.

ISSUED this 9<sup>th</sup> day of December, 2000.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY

By: Ann Marie Berger  
Ann Marie Berger, Executive Director

Served by personal service or  
sending U.S. ~~certified~~ mail  
this 11<sup>th</sup> day of December, 2000 to:

Basem Meri, D.O.  
3928 W. 18<sup>th</sup> St.  
Yuma AZ 85364-4933

Copy mailed this 11<sup>th</sup> day of December, 2000 to:

Blair Driggs  
Assistant Attorney General  
Office of the Attorney General  
1275 W. Washington  
Phoenix AZ 85007 (w/enclosure)

Arizona Board of Pharmacy  
5060 N. 19th Ave., Suite 101  
Phoenix AZ 85015

Drug Enforcement Administration  
Attention: Diversion Section  
3010 N. 2nd St  
Phoenix AZ 85012

Kurt Krause  
Dept. of Attorney General  
Health Professionals Diversion  
1 Michigan Bldg., First Floor  
Lansing MI 48909

Celinda Shepherd